HOUSE BILL No. 1400

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2; IC 31-34.

Synopsis: Child abuse or neglect. Provides that a child who is a passenger in a motor vehicle operated by the child's parent, guardian, or custodian while the parent, guardian, or custodian is intoxicated is a: (1) victim of child abuse or neglect; and (2) child in need of services.

Effective: July 1, 2004.

Neese, Welch, Brown T

January 20, 2004, read first time and referred to Committee on Judiciary.



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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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HOUSE BILL No. 1400

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

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Be it enacted by the General Assembly of the State of Indiana:

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SECTION 1. IC 31-9-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. (a) "Child abuse or neglect", for purposes of IC 31-32-11-1, IC 31-33, IC 31-34-7-4, and IC 31-39-8-4, refers to a child who is alleged to be a child in need of services as described in IC 31-34-1-1 through IC 31-34-1-5. IC 31-34-1-5.

(b) The term does not include a child who is alleged to be a child in need of services if the child is alleged to be a victim of a sexual offense under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3 involves the fondling or touching of the buttocks, genitals, or female breasts.

SECTION 2. IC 31-9-2-133 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 133. (a) "Victim of child abuse or neglect", for purposes of IC 31-32-11-1 and IC 31-33, refers to a child in need of services as described in:

- (1) IC 31-34-1-1 through IC 31-34-1-5; **IC 31-34-1-5.5**;
- (2) IC 31-34-1-10; or

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1	(3) IC 31-34-1-11.	
2	(b) The term does not include a child who is alleged to be a child in	
3	need of services if the child is alleged to be a victim of a sexual offense	
4	under IC 35-42-4-3 unless the alleged offense under IC 35-42-4-3	
5	involves the fondling or touching of the buttocks, genitals, or female	
6	breasts.	
7	SECTION 3. IC 31-34-1-5.5 IS ADDED TO THE INDIANA CODE	
8	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY	
9	1, 2004]: Sec. 5.5. A child is a child in need of services if, before the	
10	child becomes eighteen (18) years of age:	4
11	(1) the child's parent, guardian, or custodian operates a motor	
12	vehicle in violation of:	•
13	(A) IC 9-30-5-1;	
14	(B) IC 9-30-5-2;	
15	(C) IC 9-30-5-3;	
16	(D) IC 9-30-5-4; or	4
17	(E) IC 9-30-5-5;	1
18	while the child is a passenger in the motor vehicle; and	
19	(2) the child needs care, treatment, or rehabilitation that:	
20	(A) the child is not receiving; and	
21	(B) is unlikely to be provided or accepted without the	
22	coercive intervention of the court.	ı
23	SECTION 4. IC 31-34-1-9 IS AMENDED TO READ AS	ı
24	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. A child in need of	
25	services under section 1, 2, 3, 4, 5, 5.5 , 6, 7, or 8 of this chapter	
26	includes a child with a disability who:	
27	(1) is deprived of nutrition that is necessary to sustain life; or	A
28	(2) is deprived of medical or surgical intervention that is	1
29	necessary to remedy or ameliorate a life threatening medical	
30	condition;	
31	if the nutrition or medical or surgical intervention is generally provided	
32	to similarly situated children with or without disabilities.	
33	SECTION 5. IC 31-34-10-3 IS AMENDED TO READ AS	
34	FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. Before complying	
35	with the other requirements of this chapter, the juvenile court shall first	
36	determine whether the following conditions make it appropriate to	
37	appoint a guardian ad litem or a court appointed special advocate, or	
38	both, for the child:	
39	(1) If the child is alleged to be a child in need of services:	
40	(A) under IC 31-34-1-6;	
41	(B) under IC 31-34-1-10 or IC 31-34-1-11;	
42	(C) due to the inability, refusal, or neglect of the child's parent,	



1	guardian, or custodian to supply the child with the necessary	
2	medical care; or	
3	(D) because the location of both of the child's parents is	
4	unknown;	
5	the court shall appoint a guardian ad litem or court appointed	
6	special advocate, or both, for the child.	
7	(2) If the child is alleged to be a child in need of services under:	
8	(A) IC 31-34-1-1;	
9	(B) IC 31-34-1-2;	
0	(C) IC 31-34-1-3;	
1	(D) IC 31-34-1-4;	
2	(E) IC 31-34-1-5;	
3	(F) IC 31-34-1-5.5 ;	
4	(G) IC 31-34-1-7; or	
.5	(G) (H) IC 31-34-1-8;	
.6	the court may appoint a guardian ad litem, court appointed special	
7	advocate, or both, for the child.	U
8	(3) If the parent, guardian, or custodian of a child denies the	
9	allegations of a petition under section 6 of this chapter, the court	
20	shall appoint a guardian ad litem, court appointed special	
21	advocate, or both, for the child.	
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